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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

GE.97-10888 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its partner organization Human Rights In China (HRIC) are extremely concerned about the ongoing massive and systematic violations of human rights in the People's Republic of China. Despite the encouraging signal sent by some changes made to the Criminal Procedure Law, in practical terms there was no improvement in the human rights situation in 1996. The economic liberalization and reform have not translated into an institutional and political reform. Those who in China peacefully call for these reforms and seek to achieve real social stability based on democratic dialogue, respect for human rights and the accountability of the Government are the most visible, and therefore the most exposed, in the Chinese society. The treatment of the dissident community is a barometer for the authorities' attitudes towards human rights for the Chinese people as a whole, and reveals that guarantees for basic rights in Chinese society are virtually non-existent.

2. In spite of constitutional guarantees, the rights to freedom of opinion and expression are routinely restricted. In the last few years several journalists, including Gao Yu, have been sentenced to prison terms for "leaking State secrets". For reporting policy decisions that had already been mentioned in the Hong Kong press, Gao Yu received a six-year sentence. The Law on the Preservation of State Secrets confers the authority to classify information very broadly, without defining what is considered "harmful to the security of the State". This law is used to repress individuals who do not have access to State secrets but who are involved in the democracy and human rights movement, such as Li Hai, sentenced to nine years' imprisonment in 1996 for collecting information about prisoners. Furthermore, individuals who petition the Government are systematically harassed or detained. Liu Xiaobo was sentenced to re-education through labour after issuing an open letter asking the Government to respect religious freedom, freedom of speech and the press and the right to form political parties. Also sent to re-education through labour in 1996 were Fu Guoyong, Chen Longde and Wang Donghai, who together wrote a petition demanding the reassessment of the 1989 democracy movement. The treatment of such activists is an indication of the ability of people throughout the country to speak about the violations of human rights and the social problems engendered by the rapid economic changes. FIDH and HRIC are also extremely concerned about the Chinese authorities' announced intentions to repeal or amend laws to come into force after July 1997 in the new Hong Kong Special Administrative Region with the effect of restricting the freedoms of association and assembly and reducing protection for human rights.

3. Although the revised Criminal Procedure Law contains some encouraging measures, regarding such matters as the right to counsel, a number of reforms long pursued by Chinese legal scholars themselves have yet to be enacted. They concern chiefly a clearer definition of presumption of innocence, the procurement and use of evidence and the right to appeal. The trials of prominent dissidents in 1996 offer a clear illustration of political manipulation of judicial procedures. Former student leader Wang Dan was sentenced to 11 years after a three-hour-long trial closed to the public at which judges totally ignored defence arguments and repeated requests from him and his lawyers for additional testimony to be presented. He was found guilty of "conspiring to subvert the Government" when all he did was write articles

advocating for democracy and human rights. FIDH and HRIC firmly believe that Wang Dan's trial was unfair, did not give him the opportunity to have his case considered impartially, and that the verdict had been decided in advance. Li Hai was tried behind closed doors in May 1996 after one year in incommunicado detention in a secret location. The verdict was announced seven months after the trial. Li Hai was sentenced to nine years in prison for "prying into and collecting State secrets", namely "information about people sentenced for criminal activities during the June fourth 1989 period" which he had obtained mainly through visiting prisoners' families.

4. Denial of the right to a fair trial is particularly obvious in re-education through labour, which was judged "inherently arbitrary" by the Working Group on Arbitrary Detention in 1993. Since then, however, this form of administrative detention is still being widely used. Ordered by commissions under the authority of the police, re-education through labour is imposed for one to three years (extendable to four years in case of escape attempts or bad behaviour) on those who commit minor offences "not warranting prosecution" and, extensively, on dissidents. People sent to re-education through labour are denied the right to counsel and to fair trial. Although they have a legal right to appeal their administrative sentences, few of them do and in most cases, so far, the courts uphold the sentences. Labour and human rights activist Liu Nianchun, who was sentenced to three years of re-education through labour in July 1996, had his appeal hearing last September. However, he was not notified of the court's decision to reject his until December 1996. In addition to those sentenced to re-education through labour, inmates in all detention facilities are systematically requested to perform forced labour, often from 11 to 16 hours a day.

5. FIDH is deeply concerned about the lack of medical treatment in detention facilities and the authorities' refusal to give inmates and their relatives access to their medical files. This, according to the Special Rapporteur on torture, constitutes a form of torture or cruel and degrading treatment. Nobel Peace Prize nominee Wei Jingsheng, who was sentenced to 14 years' imprisonment in December 1995, suffers from angina pectoris, myocardial infarction and high blood pressure, for which he is not receiving proper treatment. A former secretary of ousted Communist Party Chief Zhao Ziyang, Bao Tong, was placed under house arrest immediately after his release from seven years in prison. He and his family have been denied access to his medical files, and he has not been able to see a doctor since he left prison. He suffers from various ailments including a colon condition which may be cancerous and tumors in his thyroid gland. The condition of prisoners of conscience held in mental hospitals, such as Wang Wanxing, is a source of major concern for FIDH and HRIC.

6. Although China ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, it still has not enacted legal provisions defining the crime of torture. According to official statistics, hundreds of complaints of torture are lodged each year. Inmates in detention centres report that in many places the use of torture is systematic. Inmates are often beaten by cellmates with the connivance of the guards. Unable to withstand the torture and bad conditions in his re-education centre, Chen Longde jumped out of a window, severely injuring

himself. One police officer admitted to Chen's father that he and a group of police officers had beaten Chen Longde with electric batons and clubs, also encouraging other inmates to do the same.

7. Freedom of movement is restricted, as in the case of Wei Jingsheng's former assistant, Tong Yi, who had her passport application turned down by the police, thus preventing her from leaving China. Conversely, blacklists of Chinese nationals living in exile and involved in the human rights movement are maintained, and these people are generally denied entry into China. In 1996 Hong Kong activists and politicians were prevented from travelling to China to present their views on developments in the territory. Inside China, human rights and democracy activists are systematically prevented from travelling freely. In periods such as around the anniversary of the June Fourth Massacre or during visits of foreign dignitaries, they are forbidden from leaving their places of residence or sent on enforced trips. For example, Chu Hailan, wife of Liu Nianchun, was forcibly sent from Beijing to the northern Heilongjiang province, where her husband is detained, to prevent her from having any contact with the visiting United States Secretary of State.

8. Freedom of religion and peaceful religious activities were further restricted by 1994 Government regulations. In 1996 hundreds of unregistered temples and "house churches" were closed or destroyed. In Tibet, the Government's ban on private possession and display of the image of the Dalai Lama has stirred strong resistance. Monks who refuse to denounce the Dalai Lama face expulsion from their monasteries. In many instances, religious activists are detained, such as Bishop Zeng Jingmu, 76, and Christian activist Xiao Biguang, both of whom were sentenced to three years of re-education through labour in 1996. Zeng has already spent 23 years in detention. FIDH and HRIC were also surprised to learn that although China invited the Special Rapporteur on religious intolerance in 1994, Tibetan monk Yulo Dawa Tsering has been under house arrest since his meeting with the Rapporteur.

9. Although the majority of the rights enshrined in the Universal Declaration of Human Rights are guaranteed by the Chinese Constitution, there is a wide and documented gap between domestic laws and their implementation, leading to massive and systematic violations of human rights. In this period of political transition, FIDH and HRIC call on the Government of the People's Republic of China to declare a general amnesty for all prisoners of conscience. FIDH and HRIC further recommend that the members of the Commission enact a resclution on the human rights situation in China which addresses the above concerns and requests that the United Nations Secretary General submit a report on the human rights situation in China to the next session of the Commission on Human Rights.

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